

JUL 10 2007

ATTORNEY DOCKET NO. 206,973

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: JARALLA, Abdulghani Examiner: Rogers, David A.
Appl. No.: 10/533,490 Art Unit: 2856
Filing Date: November 30, 2005
Title: CORROSION TESTING APPARATUS

STATEMENT OF FILING BY TELEFACSIMILE

This correspondence is being transmitted to the Office of Petitions of the United States Patent Office on July 10, 2007 at 571 273-8300.

REQUEST FOR RECONSIDERATION AT A HIGHER LEVEL

Mailstop - Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Date: July 10, 2007

Attention: Petitions/USPTO

Sir:

This is a request for reconsideration at a higher level, of the decision mailed June 7, 2007 dismissing the Petition Under 37 C.F.R. §1.10(c) to correct the mail date of Issue Fee and publication fee payments and the formal drawings to

January 3, 2007,

instead of January 4, 2007.

THE DECISION OF JUNE 7, 2007

In the decision of June 7, 2007 the petitioner was granted a timely filing date of January 3, 2007 for the submission to requirements of the Notice of Allowance and Allowability mailed October 2, 2006.

AT ISSUE

However, in the decision of June 7, 2007, it was stated that petitioner has not made a convincing showing that the four pages of formal drawings were deposited as "Express Mail" with the U.S. Postal Service on January 3, 2007. In particular, it stated that the postcard receipt

"is ... fugitive evidence ..."

that is not part of the Official USPTO record for this application."

COPY OF THE POSTCARD RECEIPT SUBMITTED HEREWITH

There is being submitted herewith a copy of the official postcard receipt bearing the date of January 24, 2007 as stamped by the OIPE of the USPTO. The postcard receipt clearly states that there was submitted therewith:

" ...3) Sub. of Formal Drawings (4 pgs.)"

It is respectfully requested that the copy of the postcard receipt submitted herewith be acknowledged and made a part of the official USPTO record for this application.

It is also requested that the copy of the postcard receipt submitted herewith be treated as a transmittal letter of the four pages of formal drawings mailed on January 3, 2007. Accordingly, it is respectfully requested that the petition under 37 C.F.R. §1.10(e) be granted, and that the submission of 4 pages of formal drawings be accorded a filing date of January 3, 2007.

In view of the above, it is respectfully requested that the present application be reinstated to pending status and forwarded to the issue branch to proceed to issue.

JUL 10 2007

EXPEDITED REVIEW REQUESTED

Expedited review of this request is respectfully requested so as to provide the applicant with a prompt decision in order to afford the applicant the opportunity to promptly file a request for a petition for revival of this application in the event this request is denied.

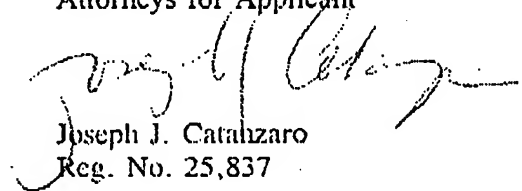
FEES

No fees are believed to be due in connection with this request.

Please charge any fees which may be due and credit any overpayments to Deposit Account No. 01-0035.

Respectfully submitted,

ABELMAN, FRAYNE & SCHWAB
Attorneys for Applicant



Joseph J. Catalzaro
Reg. No. 25,837

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New York, New York 10017-5621
Tel: (212) 949-9022
Fax: (212) 949-9190

Enclosures: Copy of Express Mail Airwaybill No. ER059677689US,
Dated January 3, 2007
Closing of the United States Patent and Trademark Office
on Tuesday January 2, 2007"
Letter dated October 24, 2006 from the United States Postal Service
regarding Express Mail Processing Procedure
Postcard Receipt Stamped January 4, 2007 by OIPE

Customer Copy
Label # 004/007

ER 059677684 US

**EXPRESS
MAIL**

UNITED STATES POSTAL SERVICE®

Post Office To Addressee

Delivery Date		Day of Delivery		Flat Rate Envelope	
Mo. Day Year		<input type="checkbox"/> Mon <input type="checkbox"/> Tue <input type="checkbox"/> Wed <input type="checkbox"/> Thu <input type="checkbox"/> Fri <input type="checkbox"/> Sat		<input type="checkbox"/>	
Time in		Military		Postage	
<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/> 12 noon <input type="checkbox"/> 1 PM		\$	
Weight		Intl Alpha Country Code		Return Receipt Fee	
Lbs. Ozs.		No. of Pieces		<input type="checkbox"/> Yes <input type="checkbox"/> No	
No. of Pieces		Acceptance Clerk Initials		Insurance Fee	
<input type="checkbox"/> Weekend <input type="checkbox"/> Holiday				\$	

FROM: (PLEASE PRINT)

PHONE:

ABELMAN, FRAYNE & SCHNAB
666 Third Avenue
New York, New York 10017

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Delivery Date		Time		Employee Signature	
Mo. Day Year		<input type="checkbox"/> AM <input type="checkbox"/> PM		<input type="checkbox"/>	

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**Closing of the United States Patent and Trademark Office
on Tuesday, January 2, 2007**

In view of the official closing of the Federal Government offices in the Washington, D.C. metropolitan area, including the United States Patent and Trademark Office (USPTO), on Tuesday, January 2, 2007, the day proclaimed by President Bush as a National Day of Mourning, the United States Patent and Trademark Office will consider Tuesday, January 2, 2007, a "Federal holiday within the District of Columbia" under 35 U.S.C. § 21 and 37 C.F.R. §§ 1.6, 1.7, 1.9, 2.2(d), 2.195, and 2.196. Any action or fee due on Tuesday, January 2, 2007, will be considered as timely for the purposes of, e.g., 35 U.S.C. §§ 119, 120, 133 and 151, if the action is taken, or the fee is paid, on the next succeeding business day on which the USPTO was open, that is, Wednesday, January 3, 2007.

37 C.F.R. §§ 1.6(a)(2) and 2.195(a)(4) provide that correspondence deposited as Express Mail in accordance with 37 C.F.R. § 1.10 or 2.198 will be considered as filed on the date of deposit with the United States Postal Service (USPS). Thus, any paper or fee properly deposited in accordance with 37 C.F.R. § 1.10 or 2.198 with the Express Mail service of the USPS on Tuesday, January 2, 2007 (that is, as shown by a "date-in" of Tuesday, January 2, 2007, on the Express Mail mailing label) will be considered filed in the USPTO on its date of deposit in the Express Mail service of the USPS.

37 C.F.R. § 2.195(a)(2) provides that trademark-related correspondence transmitted electronically to the USPTO will be considered filed in the USPTO on the date the USPTO receives the electronic transmission. Thus, trademark-related correspondence transmitted electronically on Tuesday, January 2, 2007, will be considered filed in the USPTO on the date the USPTO received the electronic transmission. Correspondence successfully received by the USPTO through the patent Electronic Filing System will receive the date as indicated on the Acknowledgment Receipt.

2/28/07
Date



JON W. DUDAS
Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office



October 24, 2006

Mr. Joseph J. Catanzaro
Abelman, Frayne, & Schwab
666 Third Avenue
New York, NY 10017

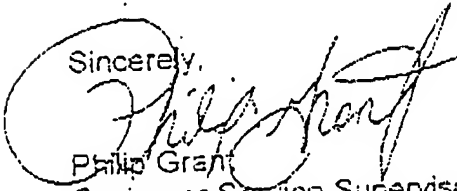
Philip Grant, Supv. Customer Service
U.S. Postal Service
Grand Central Station
New York, NY 10017

Re: Express Mail Processing procedure

Dear Mr. Catanzaro,

I am writing you this letter to confirm our conversation of today regarding the processing of your Express Mail. The date postmarked on your copy of the Express Mail receipt is our confirmation of receipt for that date, which is the "date-in" prior to the last scheduled pickup. The mail is then sent to our Express Mail processing unit where it is entered into the tracking system. If the Express Mail piece is received before the close of business on a particular day it may show a processing date of the next day in the tracking system. This should not be considered as the official "date-in" of receipt at the Post Office. The official "date-in" receipt is the date Postmarked in the round stamp on your customer copy. Please feel free to call me if you need any further assistance.

Sincerely,



Philip Grant
Customer Service Supervisor
Grand Central Station, New York
(212) 330-5790 -- (after 2pm daily)

**DIRECTOR OF THE U.S. PATENT
AND TRADEMARK OFFICE**

Date Stamp as acknowledgement
of receipt of:

Applicant(s): JARALLA
Serial No.: 10/533,490
Control No.: 206,973



- 1) Cover letter
- 2) Issue fee transmittal
- 3) Sub. of formal drawings (4 pgs.)
- 4) Change of address
- 5) Postcard receipt
- 6) Check - \$ 1700.00 (large entity)

Check no. 8961

Initials: TES/so
Date Mailed: January 3, 2007

Express Mail No.: ER059677689US